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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,020	02/21/2007	Eckhart Joachim Wintzen	ARN1.PAU.04.US	6908
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Law Offices of Daniel L. Dawes 5200 Warner Blvd, Ste. 106 Huntington Beach, CA 92649			EXAMINER AGGARWAL, YOGESH K	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 03/17/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/581,020	<b>Applicant(s)</b> WINTZEN, ECKHART JOACHIM	
	<b>Examiner</b> YOGESH K. AGGARWAL	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-19 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/10/2006</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

Art Unit: 2622

***Claim Objections***

1. Claims 6 and 7 are objected to because of the following informalities: These claims should be dependent on claim 5 since the antecedent basis for predetermined distance is in claim 5. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by McNelley et al. (US Patent # 5,550,754).

[Claim 1]

Apparatus for communication with eye contact, comprising substantially flat image reproducing means for reproducing an image (display 100, figure 20, col. 15 lines 25-35, col. 15 lines 53-67), image recording means for recording an image (col. 11 lines 13-15); mirror means (semi-silvered 318) arranged between the image reproducing means (100) and the image recording means (camcorder 314 contains a recording device, see figure 20) and comprising an at least partly light-transmitting, reflective surface for reflecting the image reproduced by the image reproducing means (col. 15 lines 25-35 and 6—65 teach a semi-silvered mirror); and a support (210 shown in figures 10 and 20), arranged on the underside of the image reproducing means, for supporting the apparatus on a surface (208 as shown in figure 8) therewith, wherein the image reproducing means form an acute angle with the underside of the support (figure 10 and 20

Art Unit: 2622

clearly show that the angle between the display 100 and the support 210 makes an angle less than 90 degree i.e. an acute angle.)

[Claim 8]

McNelley teaches a sound reproducing means and sound recording means for recording sound (col. 7 lines 27-30).

[Claim 9]

McNelley teaches a central processing unit (figure 30, controller 400) to which are coupled the sound reproducing means (408) , the sound recording means (420), the image recording means and/or the image reproducing means (422).

[Claims 2 and 3]

McNelley et al fails to teach wherein the acute angle is in the order of 8° or 10 degrees. However it would be a matter of design choice to have an acute angle that is in the order of 8° or 10 degrees since the hinges are adjustable by the ser until the image is seen clearly. Therefore one skilled in the art would know to adjust the angle as much as necessary in order to see the images on the screen.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 10-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNelley et al. (US Patent # 5,550,754).

Art Unit: 2622

[Claim 4]

McNelley et al fails to teach wherein the mirror means are arranged in open position at an angle beta to the image reproducing means, wherein beta is of the order of  $45^\circ$ . However it would be a matter of design choice to have the mirror means to be arranged in open position at an angle beta to the image reproducing means, at an angle of  $45^\circ$  since it is adjustable by the user until the image is seen clearly. Therefore one skilled in the art would know to adjust the angle as much as necessary in order to see the images on the screen clearly.

[Claim 10]

It would be a matter of design choice wherein the image reproducing means comprise an LCD screen with an increased brightness of 1000-2000 Cd/m<sup>2</sup>.

[Claim 11]

McNelley teaches a semi-silvered mirror wherein the at least partly reflective surface reflects about 50% of the incident light and allows through about 50% of the incident light.

[Claim 12]

McNelley teaches a coding/decoding unit for coding and decoding image and sound and transmitting means for transmitting the coded image and sound (col. 18 lines 29-32, also see figure 30, unit 402 and network 102).

[Claim 13]

McNelley fails to teach wherein the transmitting means has a bandwidth of 128 to 1024 kb/s. However Official notice is taken that it would be obvious to one skilled in the art to have a bandwidth of 128 to 1024 kb/s in order to have a low transmission rate that consumes less bandwidth.

Art Unit: 2622

[Claim 14]

McNelley teaches which during use makes a recording when calling another apparatus and transmits this to the other apparatus (col. 21 lines 20-40).

[Claim 15]

It would be a matter of design choice to have a width smaller than 800 mm and a depth smaller than 700 mm.

[Claims 16-19]

McNelley fails to teach wherein the processing unit is adapted to transmit an identification when calling another apparatus, wherein the sending of an identification takes place by establishing a second network connection in the background in order to indicate by means of a extension of a used protocol that the recipient party is being called. However Official notice is taken that it would be obvious to one skilled in the art to have transmit an identification when calling another apparatus, wherein the sending of an identification takes place by establishing a second network connection in the background in order to indicate by means of a extension of a used protocol that the recipient party is being called in order to send the identification on a separate network that does not block the network.

***Allowable Subject Matter***

6. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH K. AGGARWAL whose telephone number is (571)272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogesh K Aggarwal/  
Primary Examiner, Art Unit 2622